



Parks and Recreation Department Memorandum

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Date: December 12, 2023
To: Mayor and Councilmembers
From: John Kennedy, Interim Director
Subject: Revisions to Chapter 27 of the Glendale City Code

Chapter 27 of the Glendale City Code outlines the rules and regulations for Glendale's parks and recreation facilities as they relate to management and operations. Modifications have been made to better address areas of concern for the community and the changing operational environment for Parks and Recreation. Below is a summary of the recommended revisions to Chapter 27 of the Glendale City Code:

Updated Section 27-3 with the following changes:

- Added language in definitions for camp or camping for enforcement:
Camp or Camping: The use of a park as a temporary or permanent place of dwelling, lodging, residence, or as a living accommodation. Indications of camping may include, but are not limited to, burning a fire, carrying on cooking activities, storing personal belongings, laying down bedding for sleeping, or using tents or temporary structures for shelter, sleeping, or storing of personal belongings. Such activities constitute camping when it reasonably appears under the circumstances that a person is using the area as a living accommodation, no matter how temporary.
- Added language in definitions to include scooters:
Scooter: A transportation device that has a deck on which a person may stand, at least two (2) tandem wheels in contact with the ground, and a long steering handle.
- Added language in definitions for the inclusion of vaping and cannabis:
Smoke or Smoking: The act of inhaling, exhaling, burning, vaping, or carrying any lighted, heated, or ignited cigar, cigarette, cigarillo, pipe, hookah, water pipe, smoking device, or any other device that delivers nicotine, tobacco, or cannabis to a person.
- Added language in definitions to include shopping carts for enforcement purposes:
Shopping Cart: As defined by A.R.S. 44-1799.31, as amended.

Updated Section 27-38 to expand the ability for rule enforcement to also include city code enforcement inspectors and police crime prevention specialists:

Any rules and regulations adopted by the city council pursuant to this article and any other ordinances adopted by the city council which are applicable in or to city parks shall be enforced by city police officers, park rangers, city code enforcement inspectors, and police crime prevention specialists, both-all of whom shall have authority to issue citations or to file civil code infraction complaints for violations of such rules, regulations, and ordinances.

(Ord. No. 1944, § 3, 5-27-97)

Added Section 27-39 to enforce entering park areas closed to public use:

Secs. 27-39. Entering park areas closed to public use.

- (a) No person shall knowingly enter or remain in any park, or portion thereof, designated as closed for public use by the director.
- (b) The department shall provide public notice of the designation of areas as open or closed to public use by any of the following:
1. Posting of appropriate signs or maps; or
 2. Establishing physical barriers, including, but not limited to, posts, branches, or rocks; or
 3. Any other means reasonably calculated to give notice to the public of areas open or closed to public use.
- (c) The prohibitions of this section shall not apply to any person performing any work or activity which is authorized by the director.

Revised Section 27-45 to include language regarding motorized/electric bicycles and scooters as well as language preventing shopping carts in parks:

- (a) No person shall operate or use any vehicle, bicycle, **motorized/electric bicycle**, unicycle, motorized skateboard, skateboard, roller-skates, in-line skates, **scooters, or motorized scooters** in a city park except on public roadways or at such other locations as are specifically designated for such use. ~~The provisions of this subsection shall not apply to the proper use of motorized wheelchairs. Proper use of motorized wheelchairs or three or four-wheeled scooters, personal mobile cargo-carrying devices, or other motorized equipment designed for the mobility impaired shall only be subject to enforcement of unsafe methods of use. All such therein equipment for the mobility impaired must be kept at or below the speed of normal pedestrian traffic, and/or obey pertinent posted signage. For more information, please refer to <https://www.ada.gov/opdmd.htm>)~~
- (b) No person operating or using a vehicle, bicycle, **motorized/electric bicycle**, unicycle, motorized skateboard, skateboard, roller-skates, ~~or~~ in-line skates, **scooter, or motorized scooter in an area of a** city park **designated for such use** shall operate or use such vehicle or equipment in any unsafe manner. All persons operating or using such vehicle or equipment in a park shall yield the right-of-way to all pedestrians **and equestrians**.
- (c) No person shall operate or use a vehicle, bicycle, **motorized/electric bicycle**, unicycle, motorized skateboard, skateboard, roller-skates, in-line skates, **scooter, or motorized scooter** in a city park at a speed greater than fifteen (15) miles per hour or any other posted speed limit.

(d) No person shall perform any maintenance of or repairs to any vehicle in a city park, except for emergency repairs required to remove such vehicle from the park.

(e) No person shall operate, maintain, possess, store, abandon, or leave unattended a shopping cart in a park.

(Ord. No. 1944, § 3, 5-27-97; Ord. No. 2541, § 12, 1-23-07)

Added Section 27-46 to address remote-controlled or model aircraft, unmanned aircraft vehicles (UAVs), and unmanned aircraft systems (UASs).

Sec. 27-46. Parks; operation of remotely controlled or model aircraft, unmanned aircraft vehicles, and unmanned aircraft systems; violations.

(a) Definitions. The following definitions apply to this section. The singular of the word or phrase includes the plural, and the plural includes the singular.

(1) Hobby or recreational purposes: A pursuit engaged in for relaxation, and not for business purposes and not for compensation or hire.

(2) Operate or Operation: To pilot, steer, direct, fly, take off, land, or manage a remotely controlled or model aircraft, or an UAV/UAS. The term Operate includes managing or initiating a computer system that pilots, steers, directs, flies, or manages a remotely controlled aircraft or an UAV/UAS.

(3) Remotely controlled or model aircraft: An unmanned aircraft capable of sustained flight in the atmosphere; and operated within visual line of sight of the person operating the aircraft; and operated for hobby or recreational purposes; and limited to not more than 55 pounds; and operated consistent with the Federal Aviation Administration (FAA) Modernization and Reform Act of 2012 (P.L. 112-95, Section 336).

(4) Unmanned aircraft vehicle (UAV): An unmanned aircraft, also known as a drone, that is Operated without the possibility of direct human intervention from within or on the aircraft. This definition excludes remotely controlled or model aircraft. A UAV must be marked, identified, and operated as required by Federal law.

(5) Unmanned aircraft system (UAS): An unmanned aircraft vehicle and associated elements (including communication links and the components that control the UAV) that are required to Operate safely and efficiently in the national airspace system. This definition excludes remotely controlled or model aircraft. A UAS must be marked, identified, and operated as required by Federal law.

(6) Critical Facility has the same meaning provided in A.R.S. § 13-3729.

(b) Application of this Section.

(1) This Section applies to both of the following:

i. The operation of UAV and UAS within the City of Glendale.

ii. The operation of remotely controlled or model aircraft within the City of Glendale.

(2) This Section shall not apply to any of the following:

- i. Operation of UAV/UAS as part of operation, repair, or maintenance of park or preserve facilities or infrastructure, or as permitted through the City of Glendale, or as a part of construction services under City of Glendale agreements.
- ii. Operation of "public unmanned aircraft," meaning a UAV or UAS Operated by a public agency for a government-related purpose, as this term is defined in A.R.S. § 13-3729.
- iii. Operation of UAV/UAS by a law enforcement agency for any lawful purpose including, but not limited to, search and rescue operations for persons and property in distress, or during any emergency.

(c) Operations.

- (1) All remotely controlled or model aircraft, UAV, or UAS shall be Operated in compliance with federal, state, and local laws or regulations, including FAA regulations.
- (2) All remotely controlled or model aircraft, UAV, or UAS shall not, in any way, interfere with law enforcement, firefighter, or emergency services operations.
- (3) All remotely controlled or model aircraft, UAV, or UAS shall remain, during the entire time of flight, within the Visual line-of-sight (VLOS) of the person(s) manipulating the flight controls. At all times the remotely controlled or model aircraft, UAV, or UAS shall remain close enough to the remote pilot in command to be capable of seeing the aircraft with vision unaided by any device other than corrective lenses.
- (4) All remotely controlled or model aircraft, UAV, or UAS shall be Operated during daylight. Remotely controlled or model aircraft, UAV, or UAS shall not be Operated at night, but may Operate during "civil twilight" if equipped with the appropriate anti-collision lighting. Civil twilight means 30 minutes before official sunrise to 30 minutes after official sunset, local time.
- (5) Remotely controlled or model aircraft may only be operated in a park or preserve with a designated Operations Site and only in that portion so designated by the Director, or their designee
- (6) A remote-controlled or model aircraft, or UAV or UAS shall not be Operated to intentionally photograph or loiter over or near a Critical Facility, or in the furtherance of violation of any City of Glendale code, or any civil or criminal offense.
- (7) A remote-controlled or model aircraft, UAV or UAS shall not Operate in the air, on the ground or on the water in a careless or reckless manner that endangers the life or property of another. Violation of this code is guilty of a class 1 misdemeanor. Pursuant to A.R.S. § 28-8280, determining whether the operation was careless or reckless, the court shall consider the standards for safe operation of aircraft prescribed by federal statutes or regulations governing aeronautics.

(d) Safety Code. The City of Glendale recognizes the Academy of Model Aeronautics (AMA) Safety Code as an appropriately safe way to Operate remote controlled or model aircraft in parks or preserves owned or Operated by the City of Glendale, or any Operation site located in a park or preserve. Operations of remote-controlled or model

aircraft in parks or preserves owned by the City of Glendale, or any Operations Site, shall be conducted in accordance with the AMA Safety Code, in addition to any other City of Glendale rules and regulations.

- (e) *Operation Sites.* Operation Sites shall always remain unobstructed and a safe distance away from other park users. Operation Sites shall be no less than 400 feet on all sides. For purposes of this section, unobstructed means an open park area that is level and free of trees, structures, sports field lighting, or fences eight feet or higher, and that is fully accessible for the retrieval of launched aircraft.
- (f) *Operation by minors.* Children 17 years of age, or younger, must be accompanied by an adult when operating remotely controlled or model aircraft in the City.
- (g) *Additional safety requirements.* Remote-controlled or model aircraft that meet or exceed any of the specifications listed below may only be Operated in City parks or preserves where there is a specifically developed operation site with spectator control fencing, established runways, flight pads or flying circles, and safety barriers.

 - (1) Fueled radio-controlled model airplanes with an engine size of 0.20 cubic inches, a wingspan of 60 inches, or a weight of three pounds.
 - (2) Electric-powered radio-controlled model airplanes with a wingspan of 80 inches or a weight of three pounds.
 - (3) Radio-controlled helicopters with a main blade diameter of 40 inches or a weight of three pounds.
 - (4) Radio-controlled gliders with a wingspan of 80 inches or a weight of three pounds.
 - (5) Control line model airplanes with a single engine size of 0.25 cubic inches.
 - (6) Remotely controlled aircraft which weigh three pounds.
- (h) *Civil sanctions for prohibited operation.* A person found guilty of violating this code shall pay civil sanctions in an amount not to exceed \$500.00 per day. Each calendar day shall be considered a separate period for purposes of imposing civil sanctions.
- (i) *Savings clause.* If any section, subsection, sentence, clause, phrase, or portion of this code is, for any reason, held invalid or unconstitutional by the decision of any court of competent jurisdiction, the court's decision shall not affect the validity of the remaining portions of the ordinance and such portions shall remain in full force and effect.
- (j) *Conflict in law.* This section shall be construed and enforced in accordance with Federal and State law. If a conflict or ambiguity exists between this section and Federal or State law related to the operation of a remotely controlled or model aircraft or an UAV/UAS within a City of Glendale Park or preserve, the laws in the following order shall prevail and control: (1) Federal; (2) State; (3) City of Glendale.

Updated Section 27-47 to “Discharge of Firearms in Parks” to address changes in the Arizona Revised Statutes, and updated language to meet new requirements:

Sec. 27-47. Prohibited weapons ~~prohibited~~; exceptions. Discharge of firearms in parks; exception; classification.

(a) No person shall bring into any city park any weapon or firearm, including handguns, rifles, shotguns, BB guns, CO2 or pellet guns, knives with blades longer than three and one-half (3-1/2) inches, explosives, fireworks, slingshots or bows and arrows, unless otherwise authorized herein or by written permission of the parks and recreation director.

~~(a) Persons who possess a valid concealed weapons permit are permitted to possess a firearm within a city park unless the city park is operated pursuant to a joint use agreement with a school and the school is in session.~~

(b) A knife longer than three and one-half (3 1/2) inches may be possessed in a city park provided the knife is used solely in connection with serving or preparing food.

(c) Except as provided in subsection (d) below, no person shall discharge a firearm in a park.

(d) This section shall not apply to a person who discharges a firearm:

1. As allowed pursuant to A.R.S. Title 13, Chapter 4
2. In an area approved as a hunting area by the Arizona Game and Fish Department; provided, however, that any such area may be closed when deemed unsafe by the Director of the Arizona Game and Fish Department.
3. To control nuisance wildlife by permit from the Arizona Game and Fish Department or the United States Fish and Wildlife Service.
4. By special permit of the Chief of the Police Department.
5. As required by an Animal Control Officer in performing duties specified in A.R.S. § 9-499.04, A.R.S. Tit. 11, Ch. 7, Art. 6, and Chapter 6, Glendale City Code.
6. In self-defense or in defense of another person against an animal attack if a reasonable person would believe that deadly physical force against the animal is immediately necessary and reasonable under the circumstances.

(e) A violation of this section is a Class 2 misdemeanor.

(Ord. No. 1944, § 3, 5-27-97; Ord. No. 2155, § 2, 7-25-00)

Added language to Section 27-49 including dogs within dog parks:

(a) No person shall bring any animal into a city park except for dogs or cats restrained by a leash no more than six (6) feet in length, or for horses, donkeys or mules using trails pursuant to section 27. Dogs within designated dog parks shall not require a dog leash. Any person bringing a dog or cat into a park shall always maintain actual physical control of such animal ~~at all times~~ and shall immediately remove any fecal matter of such animal from the park property for proper disposal.

- (b) No person shall introduce any animal into or abandon any animal in a city park without the express consent of the parks and recreation director.

(Ord. No. 1944, § 3, 5-27-97)

Added language to Section 27-51 to eliminate swimming/bathing and washing clothes in water fountains or restrooms, as well as other sources of water:

Sec. 27-51. Swimming; boating; washing clothing; polluting waters.

- (a) No person shall swim, wade, or bathe in any ~~source body~~ of water in a city park, except in such areas as are specifically designated for such use. Any person swimming, wading, or bathing in any city park shall comply with all rules which are posted regulating such activities.
- (b) No person shall operate any boat, raft, or other watercraft of any kind upon any body of water in a city park, except in such areas as are specifically designated for such use. Any person operating a boat, raft or other watercraft in a city park shall comply with all rules which are posted regulating such activities.
- (c) No person shall wash clothes in any sink, fixture, or any source of water in a city park, or discard or discharge any substance or object which may pollute water near or into any body of water in a city park.

(Ord. No. 1944, § 3, 5-27-97)

Added language to Section 27-52 to add camping as a prohibited activity in city parks. Section 25-90 also restricts camping:

Except in such areas as are specifically designated for such use, no person shall engage in any of the following activities in a city park:

- (a) Golfing.
- (b) Climbing trees.
- (c) Hiking in areas not designated for such use if designated hiking trails are provided.
- (d) Bringing into a park, using, or operating any radio-controlled model airplanes, boats, cars or similar objects.
- (e) Bringing into a park or launching any model rockets or similar objects.
- (f) Bringing into a park, using or operating any airplane, helicopter, glider, hot air balloon, parachute or other devices used to navigate or travel by wind or air.

(g) Camping.

(Ord. No. 1944, § 3, 5-27-97)

Added language to Section 27-53 enhancing the language on littering and to allow for small propane tanks at parks within a Ramada for cooking purposes only:

- (a) ~~No person shall dump, deposit or leave any bottles, cans, ashes, paper, boxes, garbage or other waste in a city park, except for the disposal of such materials in proper receptacles provided by the city for such disposal. If no such receptacles are provided, all such materials shall be removed from the park by the person responsible for their presence in the park.~~ No person shall dump, deposit, throw, discharge or otherwise place any paper, ashes, dirt, bottles, broken glass, cans, trash, litter, animal carcass, rubbish, debris or any substance, matter or thing, either liquid or solid, in the waters of any fountain, pond, lake, stream, bay or other ~~source~~^{body} of water in or adjacent to any park or on the grounds of said park except in the proper receptacles where these are provided.
- ~~(b) ; nor shall any person bring any such substance, except litter accumulated outside of a park, into a city park for the purpose of disposal thereof in city park facilities. Where receptacles are not provided, or are full and unable to accommodate any additional material, all such rubbish or waste shall be carried from the park, by the person responsible for its presence and properly disposed of elsewhere.~~~~(c) No person may dump, deposit, or leave any bottles, cans, ashes, paper, boxes, food, garbage, or other waste in a city park, except for the disposal of such materials in proper receptacles provided by the city for such materials which originated from any lawful activity in such area(s). If no receptacles are provided, or if the receptacles are full, all such materials shall be removed from the park by the person who provided them.~~
- ~~(b)~~(c) No person in a city park shall have in his or her possession any glass container unless such person is expressly authorized by the parks and recreation director to use such containers in designated areas or facilities.
- ~~(d) No person shall start or sustain a fire in any city park, except for the use of charcoal in grills designed for such use. No person shall build any fire in violation of any fire restrictions posted by the parks and recreation director.~~~~No person shall kindle, build, maintain or use a fire except in barbecue grills for cooking purposes only. Propane tanks are allowed up to a maximum of 20lbs. Any fire shall be continuously under the care and supervision of a competent person over the age of 18, from the time it is kindled until it is extinguished. No person shall throw away or discard any lighted match, cigar, cigarette, tobacco, paper, or other flammable material within or against any park structure, building, vehicle, or under any tree, landscaping or in underbrush in any park except in designated receptacles. The city manager or their designee has the authority to declare a Fire Emergency and may prohibit all fires and/or smoking of tobacco products in one or more park and recreation areas, at their discretion.~~

(Ord. No. 1944, § 3, 5-27-97)

Added Section 27-57 to combat the promotion of illegal drug activity in a city park:

Secs. 27-57 Promotion, use, and distribution of illegal drugs in a city park.

- (a) It is unlawful to promote the use or conduct transactions of illegal drugs of any kind in a city park. Individuals discovered in possession of illegal drug(s) to buy, sell, or consume, or in possession of drug paraphernalia as defined by ARS 13-3145, used to consume illegal drugs in a city park will be subject to a citation in addition to any existing Arizona Revised Statutes violation.
- (b) Violators of this city code may be subject to a ban from all city-owned parks.

Added language to Section 27-73 that addresses the revocation of permits:

The parks and recreation director may revoke any beer permit at any time if the permittee violates any of the city's park rules and regulations or any law, rule, or regulation concerning alcoholic beverages. Disregarding park policies and regulations may result in revocation of current reservation(s) by supervision staff, and/or of the permit holder's future ability to utilize park amenities. (Ref. Sec. 27-83)

(Ord. No. 1944, § 3, 5-27-97)

Added language to Sections 27-81 that clarifies "Group" reservations:

- (a) ~~(a)~~ Any person wishing to reserve any portion of a city park or recreational facilities for group activities shall submit an application apply to the parks and recreation director for such reservation. The application shall include all information which the parks and recreation director deems necessary. "Group" under this section shall mean an activity at which the applicant anticipates less than five hundred (500) attendees as invited by the applicant. Any Group activities involving five hundred (500) or more attendees shall open to the general public shall require a permit by the department. be governed by Glendale City Code, Chapter 29.2, Special Events.
- (b) The parks and recreation director may issue a permit for the reserved use of a city park or recreational facility on such terms and conditions as he or she deems necessary. Each group permit shall be valid only for the dates and times specified, the park or facility (or portion thereof) specified, the persons, groups or entities specified, and the types of activities specified in the permit. Each group permit shall specify at least one (1) adult person who shall be responsible for any cleanup of or damage to the park or facility, and such person shall be present at all times be always present during the time in which the park or facility is being used pursuant to the permit. Each group permit shall also specify the maximum number of persons who are authorized to use the reserved park area or facility at any time. The parks and recreation director may deny any application for a group permit on any reasonable grounds, including any prior violation of the city's park rules and regulations or any false information on the application for a permit.

(c) A group permit may authorize the repeated reserved use of a city park or recreational facility, but no group permit shall be granted for a period of more than six (6) months.

(Ord. No. 1944, § 3, 5-27-97; Ord. No. 2591, § 1, 10-9-07)